

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Samuel E. Miller
Debtor(s)

Bankruptcy Case No.: 19-21086-JAD
Issued Per 7/11/2019 Proceeding
Chapter: 13
Docket No.: 50 - 6
Concil. Conf.: November 7, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 19, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Nov. 7, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 5 of Stowe Township RE .
- H. Additional Terms: A fee application is needed if any fee (including retainer) exceeds \$2,500.00 / \$3,100.00 including any fees paid to prior counsel.

The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Claim No. 1 of Credit Acceptance.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

- A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.
- B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.
- C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.
- D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.
- E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: July 11, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Samuel E. Miller
Debtor

Case No. 19-21086-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 40

Date Rcvd: Jul 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 13, 2019.

db +Samuel E. Miller, 1110 Woodward Avenue, Mc Kees Rocks, PA 15136-2212
cr +Township of Stowe, Goehring, Rutter & Boehm, 437 Grant Street, Frick Building,
Pittsburgh, PA 15219, UNITED STATES 15219-6002
15014926 +Allegheny County Dept of Court Records, 414 Grant Street, Pittsburgh, PA 15219-2419
15014927 +Bank of America Home Loans, 450 American Street, Simi Valley, CA 93065-6285
15014928 +Bank of New York Mellon, 3000 Bayport Drive, Suite 880, Tampa, FL 33607-8409
15014929 +Brighton Radiology Associates, PO Box 536287, Pittsburgh, PA 15253-5904
15014931 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
(address filed with court: Columbia Gas, PO Box 742537, Cincinnati, OH 45274)
15014930 +Capital Magazine Service, 1030 St Georges #200, Avenel, NJ 07001-1330
15047258 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
15015311 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331
15014932 +Credit Acceptance Corporation, 25505 West Twelve Mile Road, P.O. Box 5176,
Southfield, MI 48086-5176
15014935 +Creditech, PO Box 99, Bangor, PA 18013-0099
15014939 +Duquesne Light Company, Payment Processing Center, PO Box 67, Pittsburgh, PA 15267-0067
15014940 +Emergency Resource Management, PO Box 371980, Pittsburgh, PA 15250-7980
15014941 +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
15014942 +Guardian Protection Services, PO Box 37751, Philadelphia, PA 19101-5051
15014943 +Judith Gibson, 2453 Brighton Road, Apartment 9, Pittsburgh, PA 15212-2863
15014945 +National Credit Adjusters, PO Box 3023, 327 W 4th St., Hutchinson, KS 67501-4842
15014947 +Plain Green Loans, PO Box 42560, Philadelphia, PA 19101-2560
15014948 +Professional Account Management, PO Box 640, Pittsburgh, PA 15230-0640
15014949 +Safe Auto Insurance, 4 Easton Oval, Columbus, OH 43219-6010
15014950 +Stowe Twp Sewer, 555 Broadway Avenue, Mc Kees Rocks, PA 15136-3027
15048791 +Township of Stowe, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
15048453 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15014951 +Universal Fidelity LP, PO Box 941911, Houston, TX 77094-8911
15014952 +University of Pittsburgh Physicians, PO Box 1123, Minneapolis, MN 55440-1123
15014954 Vishal J. Dobarria, Esquire, Phelan, Hallinan, Diamond & Jones LLP,
1617 JFK Blvd, Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103
15014955 +West View Water Authority, 210 Perry Highway, West View, Pittsburgh, PA 15229-1895

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15014933	+E-mail/Text: bdssupport@creditmanagementcompany.com Jul 12 2019 10:46:44 Credit Management Company, 2121 Noblestown Road, PO Box 16346, Pittsburgh, PA 15242-0346
15014934	+E-mail/PDF: creditonebknotifications@resurgent.com Jul 12 2019 01:43:37 Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
15014936	+E-mail/Text: Bankruptcy.Consumer@dish.com Jul 12 2019 10:46:27 Dish Network, PO Box 105169, Atlanta, GA 30348-5169
15014937	+E-mail/Text: bankruptcy.bnc@ditech.com Jul 12 2019 10:46:00 Ditech Financial, PO Box 6172, Rapid City, SD 57709-6172
15014938	+E-mail/Text: bankruptcynotices@dcicollect.com Jul 12 2019 10:46:46 Diversified Consultants, 10550 Deerwood Park Blvd, Suite 309, Jacksonville, FL 32256-2805
15057551	+E-mail/Text: kburkley@bernsteinlaw.com Jul 12 2019 10:46:53 Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15055739	E-mail/Text: JCAP_BNC_Notices@jcapi.com Jul 12 2019 10:46:39 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15033435	+E-mail/Text: bankruptcy@sccompanies.com Jul 12 2019 10:47:01 Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
15014944	+E-mail/Text: bankruptcy@sccompanies.com Jul 12 2019 10:47:01 Montgomery Ward, 3650 Milwaukee Street, Madison, WI 53714-2304
15014946	+E-mail/Text: dbreen@ohiovalleyhospital.org Jul 12 2019 10:46:38 Ohio Valley General Hospital, 25 Heckel Rd, Mc Kees Rocks, PA 15136-1694
15053996	E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 12 2019 01:43:52 Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
15014953	+E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jul 12 2019 10:45:47 Verizon, 500 Technology Drive, Suite 300, Weldon Springs, MO 63304-2225

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

THE BANK OF NEW YORK MELLON, F/K/A The Bank of New
+Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

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Total Noticed: 40

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 13, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 11, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Samuel E. Miller bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON, F/K/A The Bank of New York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2006-19 bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Township of Stowe jhunt@grblaw.com, cnoroski@grblaw.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com, jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winneccour cmecl@chapter13trusteedpa.com

TOTAL: 6